

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:	Confirmation No.: 5755
Patrick PICHAT et al.	Date: October 1, 2007
Serial No.: 10/564,043	Group Art Unit: 3709
Filed: June 30, 2006	Examiner: Heidi M. Bashaw
For:	NOZZLE PIECE FOR A DENTAL POWDER JET APPARATUS

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SPECIES REQUIREMENT

Sir:

In the Office Action of August 31, 2007, the Examiner identified the following species of the claimed invention:

I. Species of nozzle openings:

Species 1: Nozzle openings are radial passages, claim 4

Species 2: Nozzle openings are beveled passages, claim 5

Species 3: Nozzle openings are tangentially oriented or skewed passages, claims 6-9

Species 4: Nozzle openings are elongated or slot-shaped, claims 10-11

II. Species of axial nozzle opening:

Species A: The axial nozzle opening is diffuser-shaped, claim 14

Species B: The axial nozzle opening is a venturi nozzle, claim 15

Species C: The axial nozzle opening is provided with an outlet cross section which narrows in the axial direction, claim 16

Species D: The axial nozzle opening is asymmetrically formed, claim 17

The applicant provisionally elects Species 4 (claims 10-11 and generic claims) and Species D (claim 17 and generic claims), with traverse.

The election requirement is respectfully traversed. The Examiner has given no grounds for requiring an election of species. He says that the features of dependent claims 4 and 14 (Species 1 and A) are shown by U.S. Patent 4,993,941 (Miata et al.) and U.S. Patent 6,273,789, respectively. Whether or not this allegation is accurate, it does not establish that claim 4 is

patentably distinct from claims 5-11 (Species 2, 3 and 4); nor that claim 14 is patentably distinct from claims 15-17 (Species B, C, and D).

The Examiner says “forming the nozzle openings as radial passages [claim 4] and the axial nozzle opening as diffuser-shaped [claim 14] is considered a common technical feature.” The relevance of this statement is not clear. There is no claim in this application where these two features are combined. And, the claims of Species 2-4 and Species B-D are not dependent from claims 4 and 14.

Claims 1-3, 12-13 and 18-28 are generic and believe to be allowable. The cited documents do not anticipate the general inventive concepts which have been claimed in the generic claim 1, at least because neither U.S. Patent 4,993,941 nor U.S. Patent 6,273,789 shows a nozzle piece for a dental powder jet apparatus adapted for an exchangeable assembly on a hand piece, having a discharge nozzle which has a dimension and is disposed such that an eddy or vortex formation is promoted inside the treated gum pocket.

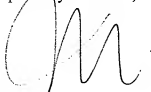
Nothing in the Office Action suggests that claim 1 is not patentable. The Examiner’s comments on the prior art do not mention the features of the generic claims.

In view of the foregoing, examination and allowance of claims 1-28 is requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON October 1, 2007.

JAF:lf

Respectfully submitted,



James A. Finder
Registration No.: 30,173
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700